G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

190

(Medical)

File No. 131 of 03-04

Serial Nos. 1-9

Papers Filed.

Month March 04

SUBJECT. Grant of certificate to Hospital Assistants for attending (Magistrate) Asstt Comrs' Courts.

PREVIOUS REFERENCES.	LATER REFERENCES.

GPB—1,000—16-6-05

OFFICE OF THE DEWAN OF MYSORE

REVENUE AND GENERAL, DEPARTMENTS.

Short Office Note.

No. and date of letter, from whom, catch words to denote nature of Subject should be stated, in red ink.

One form may be used for more than one letter of the same file as long as there is space. The Office Note should be in black ink. Write only on side of this form.

***Subject**

Grant of certificate to Hospl Asst by Magte for the attendance of the former in the Courts of the latter

Lewis Swegan's No 9/48/10-8-03

Note

Subd.

A reply from the Distt Magte, Mysore to the Commr already made may be awaited. A draft reminder is subd for appl.

Issue
DB
25/8/03

AM
17/8/03

Note Cenkt.

The Hospital Assistant at Periyapatna was summoned by the First Asst Commr Magistrate of Mysore, to give evidence in a certain Case of assault. The Hospl Astt, in obedience to the summons served upon

upon him, attended the Magistrate's Court on the 18th and 30th April 1903. The Magte refused to grant the Hospl Apte a certificate shewing the the dates and the no of days on which the Hospital Apte attended the Court. To entitle the Hospl Apte to travelling allowance and batta, this certificate is required under article 597 of the Mepore Service Regns.

In this Office Docket No 9526 dated the 31st July, 1903, the Distt Magte of Mepore was requested to ascertain and report why the Apte Commr Magte refused to grant the certificate asked for by the Hospital Apte of their departure. In reply, the Distt Magte has forwarded a copy of docket No 19 of the 17-8-03 from the Apte Commr and 1st class Magte, in which that Officer states that he did not grant the certificate to the Hospl Apte because the Hospl Apte was summoned as a witness by a private party and not by the Police or the Court, and as such he was considered to be not entitled to any travelling allowance under clause (6) article 596 of the M. S. Regns.

The Distt Magte doubts the applicability

applicability to the present case of the authority quoted by the Appt Commr Mayle, and solicits the orders of Govt on the point.

~~Lobet with draft~~

Article 596 (a) (i) is clear that an Officer summoned to give evidence of facts which have come to his knowledge, or of matters with which he has had to deal in his public Capacity viz, a Criminal Case may draw travelling allowances under the Rules. This being so, and the Hospital Assts having been summoned as an expert witness in having examined the injured party, the Asstt Commrs contention that Clause (b) of the said article applies to the present case is untenable. The District Magistrate may, if approved, be informed accordingly.

31/8/03

Sd/
31/8/03

Filed formers. to Sect
3/9/03

dft
31/8/03

The papers do not show whether the facts cited to the H. A. S. Knowledge etc in his Public Capacity. A fuller explanation with a Copy of the deposition may be called for from Mag. D.

A. M.
5/9/3

Note Contd

As directed above, the Distt Magistrate of Mysore was requested in this Office docket No C/1575 dated the 15th September, 1903, to give a fuller explanation of the facts of the case and to furnish a copy of the deposition taken from the Hospital Apptt referred to. In reply, the Distt Magte of Mysore has forwarded Copy of docket No 610 dated the 9th November, 1903, from the Addl Apptt Commr Magte of Mysore, and states that from that reference it is apparent that the Hospital Apprentice in question was cited as a witness at the instance of the Complainant, and that as he was not examined at all, the parties having Compounded the Case, it cannot be ascertained whether what the Hospital Apptt had to depose

to, Came to his knowledge in his public Capacity.

Subd ~~to the effect~~ for orders.

27/11/03

28/11/03

The ~~Distt~~ Magte may ascertain from the H.C. in what manner the facts Came to his knowledge & issue a Certificate if the Govt applies. Draft submitted;

30/11/3

The Dewan through the Govt Counsellor

Draft-cabled with Memorandum inserted below it

3/12/03

14469
3.12.03

In this Office docket No 9 3079 dated the 14th Dece 1903, the Distt Magte of Mysore was requested to ascertain from the Hospl Apptt in question in what manner and in what Capacity, the facts he was summoned to depose to in the Case, Came to his knowledge. In reply, the Distt Magte ~~has~~

Note Cabd

~~has sent~~ forwarded a Copy of ~~docket~~ letter No 5 dated the 17th January 1904. received from the Hospl Apltt at Periapalaiyam, and states that the Hospl Apltt seems to have examined the injured persons at the instance of the Local Police. The Hospital Apltt has stated in the ~~docket~~ letter referred to above, that he examined the assaulted persons on a requisition from the Police, and that therefore the facts he was summoned to depose to came to his knowledge in his official Capacity.

Submitted with draft.

3/3/04

to the Dewan thro' the 2nd Asst

3/3/04

3/3/04

The District Magistrate ought to have verified the Hospl statement and been a little more precise in his report. I do not however see necessity to pursue the matter further. The Hospl has quoted the Nos of the Police Gadachi - The requirements of article 5 of 96 (a) (i) may therefore be taken to have been complied with - I agree to the order proposed - C.

4/3/04

16/3/04
4.3.04

4/3

From,

Lt. Col. John Smyth M.D.,I.M.S.

Offg. Senior Surgeon and Sanitary Commissioner,

with the Government of Mysore,Bangalore.

To,

H. V. Nanjundayya Esqr, M.A.,M.L.

Secretary to the Government of Mysore,

Genl. and Rev. Departments, Bangalore.

Dated 16th July 1903.

No. G. 28

Sir,

(To the Hon'ble Members)

In forwarding the accompanying Memo No.1721 dated 21-6-03 from the Civil Surgeon Mysore, giving cover to letter No. 13 from the Hospital Assistant Periyapatna reporting that some of the Magistrates refuse granting certificate for attending Courts, I have the honor to request that Magistrates may be kindly instructed to carry out the orders of Government in this matter as per Article 597 of the Mysore Service Regulations.

I have the honor to be,

Sir,

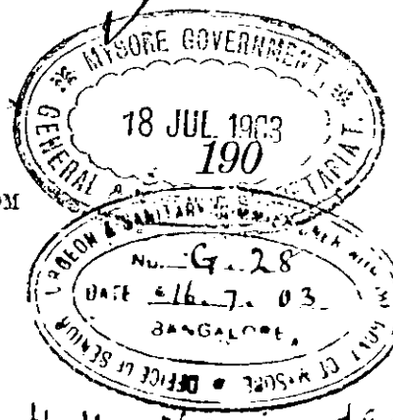
Your most obedient servant,

M.D.

Lt.Col.I.M.S.

Offg. Senior Surgeon and Sanitary Commr.

C.V.



E 27

From

To H. V. Nanjundayya Esq MA. BL
Secy to Govt
Genl & Rev depts
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No. 1

Requesting to instruct all magistrates to grant certificates to medical men for attending courts

G 16 7 03

1903

J.O.

The Asstt Magte
Mysore

Dated 31st July, 1903

No. G 526

41

In forwarding herewith Copy of letter No 13 dated the 15th June, 1903, from the Hospital Assistant in charge of the L. F. Dispy: Periyapatna, ~~complaining~~ stating that the 1st Asst Commr and 1st class Magte, Mysore, refused to grant their a certificate for having attended the Asstt Commrs Court on the 18th and 30th April, 1903, has the honour to request that the Asstt Magte will be good enough to ascertain and report why the certificate asked for by the Hospl Asst was not given to them as req'd by article 597 of the Mysore Service Regns.

2. ~~Despatch~~ an early reply is requested.

By order

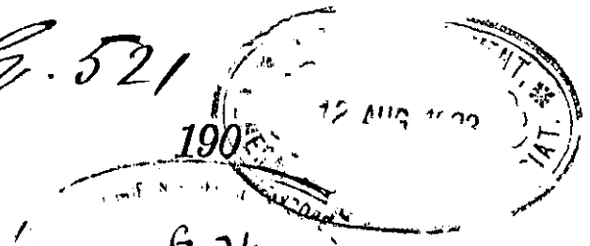
Leave
11/8/03

MG 23/7

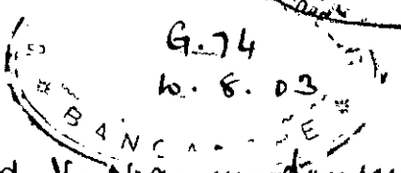
24/7/03
for Secy

E. 521

190



FROM



To Lt. V. N. Angus Deputy Supt NA ML
Secy to Govt
Genl & Rev Depts
Bangalore.

Dated

Despatched

Received

General No.

No.

Enclosure No. 1

Requesting early orders to this office No. G 28/16.7.03 re the grant of certificates by Magistrates & Medical men for attending courts in criminal cases.

From,

Lt. Col. John Smyth M.D.,I.M.S.

Offg. Senior Surgeon and Sanitary Commissioner,

with the Government of Mysore,Bangalore.

To,

H. V. Nanjundayya Esqr, M.A.,M.L.

Secretary to the Government of Mysore,

Genl. and Rev. Departments, Bangalore.

Dated 10th August 1903.

No. G.74

Sir,

In continuation of this office letter No.G.28 dated 16th July 1903,I have the honor to forward in original the accompanying Memo No.2189 dated 31st July 1903 received from the Civil Surgeon Mysore, giving cover to letter No.19 dated 29th idem from the Hospital Assistant of the Periapatna Dispensary as regards the granting of certificates by Magistrates for attendance in Courts (to be obligingly returned) and to request the favor of very early orders being obtained thereto.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.
Lt.Col.I.M.S.
Offg. Senior Surgeon & Sanitary Commr.

C.V.

Regn: 2026
1.8.03

Regn: 2172
3.8.03

From
A. S. Ramalingam Pandaram
Hospital assistant
Panjalamkurichi

To
The Civil Surgeon
Tinnevelly District
Tinnevelly

Received No 19 30-7-03.

Dt 29-7-03

Sir,

In reminding you of my letter No A of 30th April 03 which was kindly supported by you & forwarded to the Senior Surgeon &c &c for disposal, I beg to bring to your kind notice that it is 3 months since I have not got the certificate in question from the 1st Asst Commissioner & 1st Class Magistrate, Tinnevelly, for having attended his court on the 18th & 30th April 03 in obedience to his summons served through you. The Magistrate misconstrued the fact that since the complainants in those cases were not the Government, my attendance at the court was only in my private capacity.

No: 2189
Submitted to the Senior Surgeon of Tinnevelly.

The Hospital assistant's contention is I think reasonable. Here Magistrates summon the Hospital assistants in such cases because certificates are granted by them upon examination of the persons that have been assaulted - During such certificates are granted on written requisition of Police officers or Magistrates - Such being the case it is unreasonable to construe the attendance of the Hospital assts: at the enquiring Magistrates Courts as done in their private capacity -

T. J. Ackyachalam
Civil Surgeon
31-7-03

Returned

I am at a loss to know what became of the correspondence which has to settle a momentous question as to the propriety or otherwise of the Magistrate summoning, even in simple assault cases, everybody that the complainant desires without either binding him (complainant) to pay our travelling expenses or himself (magistrate) granting us the attendance certificate, when the medical man is evidently not a personal witness to the assault, but only an expert witness in having examined the injured party in compliance with the requisition from the Police.

As nobody with equity & justice would allow me to lose any travelling allowance which amounts to about Rs 21, while in fact I had to incur more than that by travelling from Periyapatna to Mysore a distance of 41 miles on two occasions, I beg to request that Dyson will kindly address the Senior Surgeon on the matter & get it settled as early as possible, so that there may be a definite understanding in future among one & all in our department as to whether we are or not to grant a certificate on the requisition of the Police, and to obey or not the Summons of the Magistrate in such cases when we have no other connexion than being the expert witness to the nature of the injury, so long as the Magistrate don't find their way to treat us justly in the matter

I beg to remain

Sir,

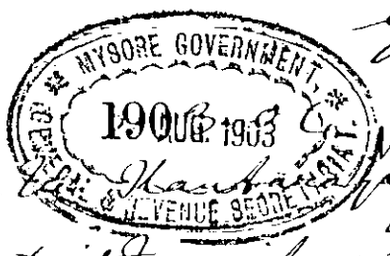
Your most obedient Servant

A. S. Ramaswamy

Hospl asst

Periyapatna

G. 713



From The Hon'ble Mr. Lewis Cooper
B.A.
District Magistrate of Tinnevelly

To H. V. Nanjundayya Esquire
B.A. B.L.
Secretary to the Govt. of Mysore
Revenue and General Depart.

Dated 22nd August 03.

Despatched 24 Aug

Received

General No. 101.
No.

Enclosure No. 1

Submitting Copy of
explanation from the
First Asst. Commissioner
and Magistrate of Nanjanad
in regard the refusal of a
certificate asked for by
the Hospital Assistant of
Periyapatam

G 26 8 03

MGCPB--50 reams--6-12-02.

No. Office of the District Magistrate of Mysore,
Dated Mysore 22nd. August 1903.

From

M. Kantaraj Urs, Esq. B.A.
District Magistrate of Mysore.

To

H. V. Nanjundayya, Esq. M.A., B.L.
Secretary to the Govt. of Mysore,
General and Revenue Depts.

Sir,

Referring to your docket No. 526, dated the 31st July 1903, forwarding copy of letter No. 13, dated the 15th June 1903, from the Hospital Assistant of Periapatna and enquiring why the certificate asked for by him was refused by the Head Assistant Commissioner Magistrate of Mysore, I have the honor to submit herewith copy of docket No. 19, dated the 17th August/03 from the Assistant Commissioner Magistrate, explaining why the certificate was refused.

2. I doubt if the authority quoted by

by the Magistrate is quite applicable to this case and solicit the orders of Government on the point.

I have the honor to be,

Sir,

Your most obt. Servant

C Hendrickson

For District Magistrate

of Mysore

1903.

From

B. Krishna Rao, Esq.
Assistant Commissioner and 1st Class
Magistrate, Mysore.

To

The District Magistrate
Mysore

Dated 17th August 1903.
No. 19. Ex. 7.

His docket No. 316/20, dated 10th/11th August 1903.

In reply to the above, has the honor to state that the Hospital Assistant in question had been summoned as a witness by a private party and not by the Police or the Court. Hence the certificate asked for was not granted as the witness was considered to be not entitled to any Travelling allowance under clause (6) article 596 of the Mysore Service Regulation.

2. The enclosures received with the above

are herewith returned.

To B. Krishna Rao
Asst. Commissioner
and Third Class
Magistrate,
Mysore District.

Copy.

Countersigned

For District Magistrate
of Mysore.

8 1903.

To, The Dist Magte
Mepore.

Dated 15-th September
1903.

No G 1515

His letter No 101 dated
the 22nd August 1903
regarding the Certificate
asked for by the Hospital
Apte at Pelliyapatna
under article 597 of the
Mepore Service Regulations

With refce to the above
has the honour to state
that the papers receive
from the Dist Magte &
the Senior Surgeon do
not shew whether the
facts which the Hospl
Apte was summoned
to give evidence of came
to his knowledge
in his public capacity
and to request that
the Dist Magte will
be good enough
to furnish this Office
at

Rec'd 13/11/03

at an early date with
a fuller explanation
together with a copy
of the deposition taken
from the Hospital
Apte referred to

By order

WB
9/9/03
for Secy

AM
8/9/03

Copy to ~~Secy~~ Offg Senior V.P.G 1576 of 15/9/03
Surgeon with reference to
his letter No G 740 dated
the 10th August 1903

By order

for Secy

G 170/

G
25-11-03

25-11-03

1903

From
B. K. Venkatavarada Iyengar Esq:
District Magistrate of Cuddapah.

To H. V. Nanjundayya Esq: M.A. B.L.
Secretary to the Government of Cuddapah
in the General and Revenue Departments.

Dated Camp Nampapun, the 22nd November

Despatched 23/

Received

General No. 287
No.

Enclosure No. One

With reference to his docket
No: 1515 dated the 15th September 1903
asking further information in the matter
of granting a certificate to the Hospital
Assistant at Periapatna, has the honor
to forward herewith copy of docket No: 61
dated the 9th November 1903, from the Ad-
ditional Assistant Commissioner Magistrate
of Cuddapah. From that it is apparent that
the Hospital Assistant was cited as a wit-
ness at the instance of the Complainant,
but that he was not examined at all.
Consequently it cannot be ascertained whether
what he had to depose to, came to his knowledge
in his public capacity.

[signature]

Dated [illegible] District Magistrate of Cuddapah.

1903

From The Additional Assistant Commissioner and 1st Class Magistrate, Mysore

To The District Magistrate Mysore District.

Dated 9th November 1903

Despatched

Received

General No. 61.
No.

Enclosure No.

His docket no: 706-89 dated 19th September 1903 calling for a copy of the deposition of the Hospital Assistant at Periapatam in Criminal case no: 54 of 1902-1903 on the file of the first General Assistant Commissioner, Mysore.

With reference to the above, has the honor to inform that when the undersigned was in charge of First Assistant Commissioner's Court, the witness in question had been summoned at the instance of the Complainant's advocate and subsequently, before he was examined, the parties appear-

to

to have compounded the case before Mr C Devaraj Urs, who happens to be in charge of the Court now.

As the Hospital Assistant was not examined by the undersigned on the occasion of his attending the Court, or subsequently, it is not possible to say whether he would have deposed to facts which came to his knowledge in his official capacity or not. Hence the certificate asked for was not granted under clause (b), article 596 of the Mysore Service Regulation.

Signed/ B. Krishna Rao.
Additional Assistant Commissioner
and 1st class Magistrate, Mysore

Copy

District Magistrate
of Tellycherry

22-11-03

M.A.P.

Office Draft. (Docket.)

Mysore Government,
General & Revenue Secretariat.

To The Distt. Magte
Mysore

Date of passing the draft
Date of despatch 14—12—03

Regd. No. G 3079
File No. & date (if any)

No. of Encls.

Correspondence ending with the Docket No 287 dated the 23rd November 1903, re grant of a certificate to the Hospital Apte at Periapatna for having attended the Court of the 1st Apte Comm^r Magte, Mysore, on the 18th & 30th April 1903.

With reference to the above, has the honor to request that the Distt Magte will be good enough to ascertain from the Hospl Apte in

11.
3/12/03

To arrange with the Magistrate who enquired into the case

the question is what
manner the facts in the case
the had to depose to & be
examined, came to
his knowledge; and
to issue a certificate
if the provision contained
in article 596 (a)(i)
of the Income Service
Regulations applied
thereto.

By order

Secy

4/12/03

1/12/03

No. 4 3080 of 14-12-03 Ex

Copy of the above is forwarded to the Senior Surveyor of Taxes Waterford for information & with reference to his letters Nos 9284/74 of respectively 16th July & 10th August 1903. The papers received with the first of these letters are returned —

4.XII.03

Secy

Office Draft. (Docket.)

Mysore Government,
General & Revenue Secretariat.

To The Distt. Magte
Mysore

Date of passing the draft
Date of despatch 14—12—03

Regd. No. G 30789
File No. & date (if any)

No. of Encls.

Correspondence ending with the Docket No 287 dated the 23rd November 1903, re grant of a certificate to the Hospital Apte at Periapatna for having attended the Court of the 1st Apte Comms Magte, Mysore, on the 18th & 30th April 1903.

With reference to the above, has the honour to request that the Distt Magte will be good enough to ascertain from the Hospl Apte

to arrange with the Inspectress who enquired into the case

2860

From

The Deputy Commissioner

G. 2860 Tumkur District

To

The Secretary to the

Govt. of Mysore,

Rev & Genl Departments

Dated 26th

Despatched 27 } Feb 1904

Received

General No. 488

No.

Enclosure No One.

Re the Hospital Assistant

of Periapatam, who was

summoned as a wit-

ness.

9

2 9 2 4

Reference to file

BBL

25-2-04.

MGCPB—50 reams.—6-12-02.

No.

British Magistrate's office

Mysore

Dated 26th February 1904

To,

L. Anantasami Rau Esqr. B.A.

Secretary to the Government of Mysore

in the General and Revenue Departt.

Sir,

Referring to your docket No. 3079

Dated the 14th December 1903, requesting me

to ascertain from the Hospital Assistant

of Periapatna in what manner and in what

capacity the facts he was summoned to

depose to, came to his knowledge; I have the

honor to enclose a copy of docket No. 5

dated the 17.1.1904 received from the said

Hospital Assistant. He seems to have

examined the injured persons at the re-

instance of the Local police.

I have the honor to be

Sir

Your most obedient servant.

[signature]

British Magistrate

of Mysore

1904

From

A. S. Ramalingam Modaliar

II class Hospital Assistant

in charge of Dispensary Periapatna

To,

Badami Krishnarao Esqr.

Extra Assistant Commissioner

in charge H.R.C. Stock Court Court

Mysore

No. S/76 dated 17. 1. 1904.

Enclo Nil

Sir, Adverting to letter No. 3079 dated 14th December 1903 from the Government to the District Magistrate, Mysore, I beg to bring to your kind notice that I attended the Court of the 1st Assistant Commissioner & Magistrate, Mysore on the 18 and 30th April 1903, when your honour was in charge that Court, to depose to the facts that came to my knowledge in nothing my official capacity, in the matter of the assaulted parties in the case sent to me vide Periapatna No. 381 dated 23-4 and 679 dated 24. 12. 02 from the Police Jamadar, Periapatna, so as to examine

the inquiries and to grant Certificates

Under such Circumstances I beg to request that you will be good enough to grant me the Certificate in question for my attendance to the Court on the said dates

I beg to
Sd/ A.S. Ramalingam Modaliar
Hospital Assistant
Periyapatnam.

"Copy"

[signature]
District Magistrate
of Mysore
26. 2. 1904.

For the Magte
Dupose

Pro: —

Dated 14th March 1904

No 4 678—80

Pte ... Khan a Road
clean draft-writer

Kept
14/3/04

Correspondence ending
with ~~the~~ letter No 488 dated
the 26th February, 1904
from the D.C. Lugard ~~of February~~
amend the Certificate
applied for by the Hospl
Apte in charge of the
L.J. Dispy: at Pericapat-
-na, for having attended
the First Apte Commr
Magte's Court, Dupose,
on the 18th & 30th April
1903, to give evidence
in a case of assault

Order No 4578/80 of 14/3/04

With ~~reference to~~ the
above, has the honour
~~to state that under~~
the circumstances
~~reported on~~ the
provision contained
in article 596(a)(i)
of the Dupose Service
Regulations

It would appear
that the Hospital Apte
attended the Magte's
Court to give evi-
dence of facts
with which he had
dealt in his official
capacity —

1904

To, The Distt Magte
Mypore.

Pro:—

Dated 14th March 1904
Rto 4578–80

Read Correspondence ending with ~~the~~ letter No 488 Dated the 26th February, 1904 from the D.C. of this District and amend the Certificate applied for by the Hospl Asst in charge of the L.J. Dispy: at Periapatna, for having attended the First Asst Commr Magte's Court, Mysore, on the 18th & 30th April 1903, to give evidence in a case of assault.

Fair draft-in Tamil
Kept
14/3/04

Order No 4578/80 of 14/3/04

With reference to the above, has the honour to state that under the circumstances reported, the provision contained in article 596(a)(i) of the Mysore Service Regulations

Ordered that the Hospital Asst attended the Magte's Court & gave evidence of facts within which he had dealt in his official capacity.

Regulations applies therefore
& the case under
reference, ~~could to~~
request ~~the~~ to the Distt
Magte will be good
enough to have
the certificate asked
for by the Hospital
Apte ~~instruction~~
issued to him as
early as possible

By order

Offg Secy

5.3.04

HD
3/3/04

3/3/04

Copy to Senior Surgeon in Centre of this Office Docket No 4308 dated the 4th Dec. 1903.

By order

Offg Secy

HD
3/3/04

To The Senior Surgeon
L. S. Comm
Dy Comm & Dt. Magistrate
Mysore Dt.
Compt.

PROCEEDINGS OF THE GOVT. OF H.H.THE MAHARAJA OF MYSORE.

Read:-

Correspondence ending with letter No.488 dated the 26th February 1904, from the District Magistrate of Mysore, anent the certificate applied for by the Hospital Assistant in charge of the L.F.Dispensary at Periapatna, for having attended the First Assistant Commissioner Magistrate's Court, Mysore, on the 18th and 30th April 1903,, to give evidence in a case of assault.

ORDER THEREON NO. 4578-80 DATED BANGALORE 14 MARCH 1904.

It would appear that the Hospital Assistant attended the Magistrate's Court to give evidence of facts with which he had to deal in his official capacity. The provision contained in article 596 (a) (i) of the Mysore Service Regulations applies therefore to the case under reference,.The District Magistrate will accordingly be good enough to have the certificate asked for by the Hospital Assistant issued to him as early as possible.

T.R. For Offg. Secretary.

To

The Senior Surgeon and Sanitary Commissioner with the Govt. of Mysore.
The Deputy Commissioner and District Magistrate, Mysore.
The Comptroller to the Government of Mysore.